

## Cigna sued over HIV mail-order med rules

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Following a string of complaints aimed at eradicating discrimination against HIV patients by the nation's major health insurers, a Fort Lauderdale resident has sued Cigna, claiming that the insurer forces HIV patients to obtain their medications solely through mail-order.

The suit, filed by nonprofit consumer group Consumer Watchdog, national litigation and healthcare group Whatley Kallas, LLP, and Miami-based class action law firm Podhurst Orseck P.A., claims that Cigna's mail-order-only policy risks the health and privacy of its patients.

Lack of choice, the lawsuit claims, equates to discrimination.

"What's the good of an insurance policy if you can't get the medications you need to stay alive when you need them or are forced to risk your health and privacy to use it?" Jerry Flanagan, lead staff attorney at Consumer Watchdog, said in a statement.

Under Cigna's current policy, HIV patients must obtain their specialty medications through a mail-order system or pay full price to purchase medications at a pharmacy, which for most HIV patients amounts to thousands of dollars a month. According to the suit, medications obtained through a method other than mail-order are not covered by the plan's benefit system.

Cigna declined to comment on the lawsuit.

For the Fort Lauderdale man who brought forth the lawsuit, named in the suit as "John Doe"

to avoid revealing his status as an HIV patient, buying medications at a pharmacy instead of ordering them in the mail amounted to about \$2,000 total a month.

His employer-sponsored Cigna plan would only allow him to opt-out of a mail-order system if he revealed his condition to his employer and the employer then requested an exclusion from the mail-order program, requirements that the lawsuit claims violate patient privacy.

All Cigna plans, whether through an employer or through a plan on the Affordable Care Act exchange, are subject to the mail-order requirement, according to Flanagan.

Carl Schmid, deputy executive director of the Tampa-based AIDS Institute, said patient privacy is at risk in the mail-order system, particularly when medications are sent to homes, apartment complexes or even the workplace.

"They may not want to have other people at their house be aware that they have HIV and people may say, 'What are these drugs?'" Schmid said.

Interaction with a pharmacist opens an avenue for asking questions and creating relationships — things that don't happen in the mail-order system, Schmid said.

Pharmacists "may be more aware of the other medications that you're on as well and address other side effects," he said. "There is a lot of value to a pharmacist."

Cigna runs the mail-orders through its subsidiary company, Cigna Tel-Drug, which has

helped it cut costs and even return a profit, according to its 2014 Form 10-K.

Consumer Watchdog attorney Flanagan said Cigna's policy circumvents the requirements of the Affordable Care Act, which eliminates discrimination on the basis of a patient's health condition and eliminates policies that may discourage a patient from signing up, like a mail-order-only requirement.

"This really goes to the heart of Obamacare," Flanagan said. "If Cigna is allowed to do what it's doing, this would be the exception that swallows the rule. The companies are continuing on in their old ways and they need to be reminded that the law has changed."

Consumer Watchdog and Whatley Kallas, LLP, settled two similar suits against United Healthcare and Anthem Blue Cross, resulting in HIV patients' ability to opt-out of the mail-order program.

The suit follows other claims that targeted Cigna, CoventryOne, Preferred Medical and Humana for placing HIV medications on their highest pricing tiers, making the medications inaccessible to HIV patients with plans under the Affordable Care Act.

Cigna announced in November that it would cap costs to its four most popular HIV medications at \$200 per month from its previous requirement that patients cover 40 to 50 percent of the drugs' cost.

The other three insurers agreed to similar reductions.